

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 11921 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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M/S KAMAL GAS SERVICE - Petitioner(s)
Versus
THE STATE OF GUJARAT THRO' JT.SECRETARY & 2 -
Respondent(s)

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Appearance :

MR HR PRAJAPATI for Petitioner(s) : 1,
MR KRUNAL D PANDYA, AGP for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 03/05/2007

ORAL JUDGMENT

Leave to amend.

Rule. Mr. Krunal D Pandya, Ld. AGP waives service of rule on

behalf of respondents. At the request of learned advocates for the parties, the matter is taken up for final hearing today itself.

2. The petitioner has preferred revision application before respondent no. 1 to challenge the order of dismissal of appeal by respondent no. 2 dated 2/3/2007 whereby respondent no. 2 confirmed the order of cancellation of licence of the petitioner dated 27/6/2006. It is the grievance of the petitioner that despite the revision having been filed and respondent no. 1 having admitted the same, the stay application has been rejected by order dated 5/4/2007.

3. I have heard Mr. HR Prajapati, learned advocate for the petitioner and Mr. Krunal Pandya, Ld. AGP for respondents. I have also perused the record of this petition. This Court more than often has laid down that when the State Authorities which are empowered to adjudicate upon such disputes, entertain either appeal or revision application, in normal circumstances, stay has to be granted till the disposal of the proceedings. In the impugned order no special reasons have been assigned by respondent no. 1 to reject the application of stay. In view of the same, order rejecting application for stay dated 5/4/2007 at Annexure-H is quashed and set aside. Order cancelling the licence of the petitioner is stayed till disposal of the revision application. Respondent no. 1 is directed to hear and dispose of the revision application after affording opportunity of hearing to the petitioner, on or before 31st August, 2007. The petition is, therefore, allowed. Rule made absolute with no

order as to costs.

[Akshay H Mehta, J.]

* Pansala.